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10 Attorneys for Respondent

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

13 **CLARKE SHELDON LOWE,**

14 Petitioner,

15 v.

16 **JAMES E. TILTON, Secretary, California**
17 **Department of Corrections and Rehabilitation,**

18 Respondent.

07CV 2232 LAB (CAB)

**MOTION FOR AN
ENLARGEMENT OF TIME TO
FILE RESPONDENT'S MOTION
TO DISMISS OR ANSWER**

19 Respondent respectfully requests a 30-day enlargement of time to file Respondent's
20 motion to dismiss or answer in the above-entitled matter. The motion to dismiss is due on January
21 22, 2008, and the answer is due on February 5, 2008. This is Respondent's first request for an
22 enlargement of time in this matter. It is based upon the following declaration:

23 I, SABRINA Y. LANE-ERWIN, declare under penalty of perjury under the laws of the
24 Unites States of America that the following is true and correct:

25 1. I am the Deputy Attorney General assigned to handle all pleadings in the above-entitled
26 matter.

27 2. I just returned to my office this week after being off of work since December 27, 2007,
28

1 following surgery. I have five cases on my caseload that were assigned to me before this case,
2 including: *People v. Frias* (G038263), *People v. Hekmat* (G038171), *People v. Roberts* (E042192),
3 *People v. Wooley* (D050459) and *People v. White* (D050888). I must handle several of these state
4 court matters before I can turn my attention to this case, as they involve the defendant's first round
5 of direct appeal review. I must also prepare for a federal court hearing on a death penalty case
6 scheduled for February 15, 2008, in *Mayfield v. Ayers* (CV 97-3742-AHS). I plan to turn my
7 attention to this case after that hearing. Thus, I am requesting a 30-day enlargement of time.

8 Dated: January 16, 2008

9 Respectfully submitted,

10 EDMUND G. BROWN, JR.
Attorney General of the State of California

11 DANE R. GILLETTE
Chief Assistant Attorney General

12 GARY W. SCHONS
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Lowe v. Tilton**

No.: **07cv2232**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

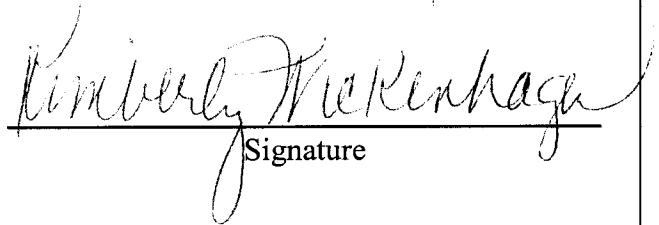
On January 18, 2008, I served the attached **motion for enlargement of time to file respondent's motion to dismiss or answer and proposed order granting enlargement** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West "A" Street, Suite 1100, San Diego, California 92101, addressed as follows:

**John Lanahan
550 West C Street Suite 1670
San Diego CA 92101-8857**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 18, 2008, at San Diego, California.

Kimberly Wickenhagen

Declarant


Signature